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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second session

SUMMARY RECORD OF THE 567th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 24 September 1999, at 3 p.m.

Chairperson: Mrs. MBOI

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Vanuatu (continued) (CRC/C/28/Add.8; HRI/CORE/1/Add.86; CRC/C/Q/VAN/1; written replies of the Government of Vanuatu to questions raised in the list of issues (document with no symbol distributed in the meeting))

1. At the invitation of the Chairperson, Mr. Mael (Vanuatu) resumed his place at the Committee table.

2. The CHAIRPERSON invited Committee members to ask brief questions concerning the definition of the child, basic principles and civil rights and freedoms.

3. Mrs. KARP, pointing out that the written replies acknowledged the existence of police brutality towards children and hence a violation of the right of the child to personal integrity and dignity, asked whether complaints to the Ombudsman had led to a reduction of such practices and whether any procedure existed to investigate complaints of maltreatment. Was corporal punishment generally accepted by the community in Vanuatu?

4. Mr. DOEK wished to know how the ban on corporal punishment in schools was enforced. Was compliance monitored in any way? Had teachers received training on the subject? If corporal punishment was inflicted, were the children or their parents entitled to complain? With whom could they lodge their complaints?

5. Mrs. KARP asked whether the Government intended to take steps to eradicate some customs in certain islands, such as the beating of girls when they reached puberty, which likewise violated the personal integrity of the child.

6. Mrs. OUEDRAOGO said that action was needed to prohibit corporal punishment not only in schools but also in the home, since she believed that aggressive behaviour among children might well be the product of the beatings they had received from adults.

7. Mrs. SARDENBERG stated that since the contents of the letter quoted in paragraph 49 of the report revealed that children were still frequently subjected to physical punishment, the Government and society should address that problem as a matter of urgency.

8. The CHAIRPERSON stressed that it was important to employ alternative methods of discipline which would be effective.

9. Mr. MAEL (Vanuatu) admitted that mild forms of corporal punishment were still sometimes meted out in schools, but explained that such punishment was considered by the community as a whole to be an acceptable method of teaching children to be responsible citizens. If children were unruly in the classroom, parents were blamed for not being strict enough with their offspring. Before a child was flogged at school, the teachers would have

conferred with the parents. Nevertheless, many schools were starting to perceive the need to resort to alternative methods of maintaining order among pupils.

10. Police brutality towards children did occur, but the children in question had all been attending school and should therefore have known the difference between right and wrong. He therefore took issue with the Committee's view that children should never be beaten under any circumstances, since, in his opinion, a lack of discipline in the classroom was a factor making for criminal behaviour in later years.

11. The CHAIRPERSON said that, on the contrary, research had shown that children who were beaten at home resorted to violence in adulthood. Was there much violence and fighting among children in Vanuatu?

12. Mr. MAEL (Vanuatu) said that since most juvenile delinquents came from urban areas, they had been to school. He therefore queried the wisdom of allowing children complete freedom to join associations and voice their opinions. The formal educational system might be responsible for some undesirable behavioural patterns, since in rural areas, where the chiefs favoured traditional forms of punishment, children were well behaved.

13. Mrs. SARDENBERG suggested that the urban environment, which exposed young people to harmful influences, was probably more to blame for crime among children living in cities than the educational system itself. It was necessary in any case to find alternatives to corporal punishment, because it seemed that both urban and rural children were beaten either by their parents or by the police.

14. Mr. MAEL (Vanuatu) said that schoolteachers were themselves part of the community and they knew that some forms of punishment really worked. The educational system had tried to introduce new ideas and methods of training responsible members of society, but they appeared to be ineffective. The police authorities therefore felt that if schoolchildren committed crimes, punishment was the only suitable response. To date there was no machinery for monitoring the ban on corporal punishment in schools or investigating complaints of police brutality, although some head teachers had looked into allegations of victimization. Teachers did not receive specific training about the Convention on the Rights of the Child, but they had all been made aware of the Government's policy on corporal punishment.

15. He denied that girls were beaten when they attained puberty, nor was there any violence among children in Vanuatu, who lived in a quite different environment to that of western youngsters. The latter received assistance from special counsellors or lawyers. Vanuatu did not have the resources to provide a support network of that kind, but children were members of a community, whose leaders and chiefs knew the value and advantages of a traditional upbringing since they had received one themselves. Traditional educational methods were in the interests of the community.

16. The CHAIRPERSON pointed out that the point at issue was not the interests of the community, but the country's compliance with its obligations under the Convention. Those obligations included a commitment to promote and enhance the rights of the child, including the right to dignity; corporal punishment was not consonant with the dignity of the child.

17. Mrs. KARP said that the Convention explicitly protected children from violence in the family and that she was in possession of information that on the island of Tanna girls were indeed beaten when they reached puberty.

18. Mr. MAEL (Vanuatu) replied that customs varied greatly from one island to another and that he knew nothing about any such custom on Tanna, but on another island, if a girl became pregnant, everyone celebrated.

19. Mrs. TIGERSTEDT-TAHTELA, in response to an earlier comment by Mr. Mael that in the western world children who had done wrong were locked up in institutions, said that such measures were taken only if the youngsters had committed serious offences, whereas in Vanuatu beating children was common. How often and how badly were they beaten and for what reasons?

20. Mr. MAEL said that children were not badly beaten and that punishment could also take the form of a reprimand or making the child go without a meal.

21. Mrs. OUEDRAOGO asked whether there had been any general discussion of alternative methods to corporal punishment. Had parents and the general public been told why it was inadvisable to hit children?

22. Mr. MAEL (Vanuatu) replied in the negative to both questions.

23. Mrs. OUEDRAOGO urged the holding of a wide debate and the mounting of public awareness campaigns to explain why the practice of corporal punishment, which was obviously deeply rooted in society, should be abandoned not only in schools, but in families as well.

24. Turning to the subject of education, how was the language of instruction chosen? Did the Government have a policy to encourage parents to enrol more girls at school? Since parents had to bear most of the cost of schooling and educational materials, what steps was the Government contemplating to make it easier for poor parents to give their children a formal education? While she appreciated the difficulties facing a developing country, she thought that an effort should be made to offer scholarships or child allowances to assist less well-off families. Were children from remote areas who had to go to school on another island sent to boarding schools or were they placed in families? Why did pupils' associations exist in some schools and not in others? Why did some schools not set up such associations? Since it appeared that not all governmental decisions were applied in all schools, was that an obstacle to coordination? What was being done to standardize education in rural and urban areas?

25. Mr. MAEL (Vanuatu) said that the parents decided whether their children were to attend an English-speaking or a French-speaking school. Some schools were bilingual. Some parents still thought that giving a girl secondary education was a waste of money, since she would probably marry at a very early age. In secondary State or State-assisted schools parents were asked to make a contribution to running costs: private schools charged fees. If parents were unable to pay anything at all they were asked not to send their children to school. Boarding schools were available for children from remote areas, but unfortunately some were very dilapidated and had no proper catering facilities. Although the need to set up pupils' associations had been

recognized by the Ministry of Education, schoolchildren still tended to be represented by the school committee, which did not always voice the young people's concerns. Not all schools realized that pupils' associations ought to be established.

26. Mrs. EL GUINDI asked what steps were being taken by the Government to increase educational resources, especially for poorly equipped schools in remote areas. Did the private sector cooperate with the Government to promote education?

27. Mr. MAEL (Vanuatu) conceded that in some schools there was just one teacher and up to six pupils had to share the same book. Resources were available, but they were not being distributed equitably. The Ministry of Education was looking into the matter.

28. Mrs. KARP asked what efforts were being made to secure adequate educational provision, to work out budgetary requirements and to implement a proper educational policy. Was there a plan of action? Was any attempt being made to collect data on the least privileged islands? Was anything being done to introduce a budget that would ensure that all children could attend school? Referring to written answer No. 22, she asked whether a recommendation from the Committee regarding the participatory rights of children was required.

29. Mr. MAEL (Vanuatu) said that a master plan of education did exist and outlined its contents. There were enough facilities for all children to attend school, but the financial resources were lacking.

30. Mrs. SARDENBERG, referring to the core document, requested more information about the traditional education which existed in all communities. What measure had been introduced to expand pre-school education? What protection was offered to children in areas which had suffered from tidal waves or typhoons?

31. Mr. MAEL (Vanuatu) said that his country had introduced a master plan on pre-school education. The chiefs had raised the issue of children's rights to learn their traditional dances, customs and languages; extramural traditional education was an attempt to keep the culture of Vanuatu alive. In areas devastated by a cyclone, education was free for one crop cycle.

32. Mrs. TIGERSTEDT-TAHTELA commended the effort to impart the traditional culture of the islands. Were any of the 110 local languages or dialects taught? Were English and French new to the children when they went to school? Why had those two languages been chosen? What language was spoken in the civil service and Government?

33. Mr. MAEL (Vanuatu) said that government correspondence was in English or French, but that the spoken language normally used was Bislama. If, however, people from the same areas held a conversation, they spoke their own dialect. Bislama was also a written language common to all the islands.

34. Mrs. TIGERSTEDT-TAHTELA inquired whether Bislama might be included in the educational system one day.

35. Mr. MAEL (Vanuatu) replied that although Bislama was found everywhere - in newspapers and day-to-day communications - there were no plans to make it part of the educational syllabus.

36. Mrs. OUEDRAOGO inquired about the literacy rate in Bislama. Given that a large section of the population lived in rural areas, how many parents wrote Bislama? Did the Government intend to have the Convention on the Rights of the Child translated into Bislama so that more people could become familiar with its provisions? Why was education not compulsory? She deplored the attitude of parents who thought that there was nothing to be gained from educating a daughter who would marry and leave home, since the main purpose of education ought to be personal development and it should not be defined in narrow economic terms. The Government should therefore revise its educational goals in cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO).

37. Mr. MAEL (Vanuatu) stated that while everyone spoke Bislama, only about 60 per cent of the population could write the language. The literacy rate in English was also about 60 per cent compared with 40 to 45 per cent in French. Despite the fact that the Convention had been translated into Bislama, some people did not fully understand its contents. The Government did not have the resources to make education compulsory. Turning to the subject of girls' education, the aim of government policy was indeed to ensure that all girls attended school, but he surmised that if parents worked hard in order to send their children to school, they wanted to see some return on their investment.

38. Mrs. KARP inquired about the possibility of young people obtaining vocational training so that they could earn a living. Had such training been developed? What priority was given to it? Did the Government review and control the contents of the traditional educational programme or was it entirely in the hands of the chiefs? Were the lessons given by teachers or did the instructors come from the community? Was there any way of ensuring that education was consistent with the basic principles of the Convention? She was concerned that if tradition and culture were disseminated by chiefs without the supervision of the Ministry of Education, old-fashioned notions about the place of girls and women in society would be entrenched rather than evolving and coming more into line with the ideas of the Convention.

39. Mr. MAEL (Vanuatu) said that most vocational education was provided by non-governmental organizations, but that the number of places on courses of that kind was very limited. When young people left school, a large percentage of them joined the ranks of the jobless.

40. Mrs. KARP asked whether the Government did not consider that it had a responsibility to provide vocational training as a means of preventing young people from becoming unemployed and therefore being tempted by delinquency.

41. Mr. MAEL (Vanuatu) agreed that the Government did hold some responsibility in that respect, but pointed out that the under-15 age-group made up 44 per cent of the population. The master plan did cater for children when they left primary education, but the plan would not be implemented until the year 2000. The country was currently facing a huge problem of youth unemployment.

42. English and mathematics were the only subjects on the curriculum over which the Ministry of Education had any control. Nevertheless, instruction in customs and traditions would be coordinated with formal education when it was introduced the following year, so that it could be taught from the right perspective.

43. Mrs. SARDENBERG wished to know if there was much tourism in Vanuatu and whether it had any impact on children's lives.

44. Mr. MAEL (Vanuatu) replied that there was a constant stream of tourists visiting the islands, apart from those in the most remote areas, but he could not say if tourism had had any impact to date. In about five years' time, children might be able to say in what way it had affected their lives.

45. The CHAIRPERSON invited the Committee members to put any questions they might have on the family environment.

46. Mr. DOEK asked what happened to the children of divorced couples. He had the impression that the Government of Vanuatu did not actively attempt to recover maintenance from the fathers of children born out of wedlock. Was it left to the extended family to take care of single mothers? Was any effort made to persuade the father of the child to meet his responsibility of providing support for his offspring? In view of the information given in the written replies, he wished to know whether the police had any training in the interviewing of rape victims who were under 15. Was any treatment provided for rape victims? Was there any information about the incidence of rape or other forms of sexual abuse of children after 1994?

47. Mr. MAEL (Vanuatu) stated that if a couple divorced and both were working the court decided how much each should contribute to the children's upkeep. If one parent was working and the other was not, the parent with a job paid maintenance. If both were unemployed, the community took care of the children. There was no State welfare provision for children of divorcees.

48. He did not think that the police of Vanuatu received any training in the questioning of rape victims. When cases of sexual abuse occurred, special police units from Australia were called in to conduct detailed investigations. Up-to-date data was available and would be forwarded to the Committee.

49. Mrs. OUEDRAOGO wished to know whether sexual offenders were punished and if so, how. What measures were being taken to reduce sexual abuse in the family and to prevent recidivism? She also requested information about the sharing or division of parental responsibilities. Was the father regarded as the unconditional head of the family? What role did mothers play?

50. Mr. MAEL (Vanuatu) admitted that sexual abuse was frequent, not only in the family; members of the police force had been found guilty of improper conduct when rape victims had tried to report the crime. Cases of sexual abuse were brought before the court in urban areas, whereas in rural areas the chiefs were responsible for deciding what action should be taken. He was afraid that tourism would bring an increase in sexual offences and would be grateful if the Committee could offer advice about how to combat specific aspects of the problem. Parental responsibility was generally shared in Vanuatu.

51. Replying to Mrs. Ouedraogo's question, he said that the punishment of sexual offenders was regulated by article 27 of the Penal Code and that they would probably receive a prison sentence.

52. Mrs. EL GUINDI asked if it was possible for a child to participate in the traditional activities of cultivating the land, fishing and hunting, while attending school regularly.

53. Mrs. KARP referred to a case in which a rape victim had been forced by the chiefs to marry the offender and although the case had been brought before the court, pressure had been brought to bear on all concerned not to give evidence, so that the outcome was that the girl was still married to the rapist, who had never been tried. She therefore urged the Government to face up to its responsibility in such cases and not to allow society to victimize the girl twice over. As Vanuatu had no social workers or psychologists to assist victims of crime or counsel juvenile delinquents, she wished to know what measures were being adopted to rule out the possibility of arbitrary detention and punishment. Was there a criminal justice system? What framework existed to guarantee a child's basic right to a fair hearing? If a child had been subjected to police brutality and handed over to the community for punishment, what action (apart from corporal punishment) could the family or group dealing with the child take to prevent the latter from becoming a delinquent? How did the system work? What steps were taken to avert a rise in delinquency as a result of such harsh treatment? Had any consideration been given to establishing a group of professionals who could propose remedial measures?

54. Mr. RABAH asked whether any alternative existed to a juvenile justice system. Were there any special children's television programmes in Vanuatu? How were they monitored by the Government?

55. Mr. MAEL (Vanuatu) said that he knew nothing about the case of forced marriage referred to by Mrs. Karp. The judicial system was chaotic and was unable to provide children with support.

56. Mr. DOEK asked why the legal system was in such a sorry plight. Were there not enough trained judges?

57. Mr. MAEL (Vanuatu) replied that the State legal services did not have enough fully trained and experienced staff. Senior prosecutors had to be brought in from outside. The law school had been opened only two years previously and the course on juvenile justice consisted of four hours of instruction funded by the French Government. There were no children's television programmes owing to a lack of money.

58. Mrs. OUEDRAOGO submitted that the Government of Vanautu ought to raise the age of marriage for girls to make it the same as that of boys.

59. Mrs. TIGERSTEDT-TAHTELA wondered what priorities (other than health and education) had been set by the Government and whether they had any bearing on children's lives. What plans did the Government have for the future of the country?

60. Mr. MAEL (Vanuatu) said that as he was an expert in the health field, he was unable to give precise information about the Government's plans for other areas of concern.

61. The CHAIRPERSON invited the Committee members to present their preliminary observations.

62. Mr. RABAH recommended that the Government of Vanuatu do all it could to harmonize customary law with the articles of the Convention, as such action would greatly improve the situation of the country's children.

63. Mrs. EL GUINDI said that since custom and tradition, which obviously played an important part in the life of Vanuatu, could not be changed by law, it might be possible to cooperate with the church, NGOs and leaders of society to alter negative attitudes.

64. Mrs. KARP recommended that a special ministry or unit be established to enhance the protection of the rights of the child. Such a step might trigger a complete change in attitude to the implementation of the Convention. Unfortunately, the Government did not appear to understand the implications of the four basic principles underlying the Convention. Health and education services were inaccessible in remote areas and that was a form of discrimination. The budget did not reflect a concern for the best interests of the child, since it did not guarantee free compulsory education for all children. More emphasis should be given to vocational training in order to reflect the principle of the right to life, survival and development. The lack of social workers and psychologists who were able to attend to children's physical and mental needs also meant that the principle of giving precedence to the best interests of the child was not being implemented. She recommended that the principle of allowing the participation of children be embodied in governmental policies.

65. Mrs. SARDENBERG praised the work done by the Government of Vanuatu in the field of health and education and recommended that the Government together with NGOs, the international community and forces within the country try to ensure that the rights of the child figured more prominently in development plans.

66. Mrs. OUEDRAOGO stressed the need to increase awareness of the Convention within Vanuatu by providing a simplified version of the Convention in Bislama. The training of professionals who worked with and on behalf of children was also of crucial importance. Children's rights should be taught in schools. It was likewise crucial to involve chiefs and traditional authorities in the implementation of the Convention. Educational aims as set out in the report should be revised in cooperation with UNESCO. Corporal punishment should be banned completely and the general public ought to be told why physical punishment was wrong. Lastly, the age of marriage should be revised so as to secure equality between girls and boys.

67. Mr. MAEL (Vanuatu) said that he looked forward to receiving the Committee's formal recommendations and believed that a fact-finding visit by a member of the Committee to Vanuatu would help the Committee when it was preparing to consider his country's report.

68. The CHAIRPERSON assured Mr. Mael that his information had enabled the Committee to gain a deeper understanding of the life and situation of the people and children of Vanuatu and the culture of the country. The Committee realized that Vanuatu was trying hard to honour its obligations under the Convention. She recommended that more technical assistance be offered in all the fields outlined by her colleagues, but especially with regard to education. Mr. Mael might be able to obtain more support for his endeavours to promote the rights of the child if he organized a press conference on his return to his country or was able to stimulate parliamentary debate. She hoped that his country would enjoy political stability and economic progress in the best interests of the children of Vanuatu.

The meeting rose at 5.20 p.m.